

**REMARKS**

Claims 1-10 are currently pending in this application. No new matter is being presented by this amendment.

Applicants have submitted an Information Disclosure Statement with this response and ask that the Examiner consider and initial the enclosed Form PTO/SB/08a with the next Office Action.

**Obviousness-type Double Patenting:**

Claims 1-10 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 and 1-5 of US 6,455,524 and 6,630,466 respectively. Applicants have herewith filed terminal disclaimers to overcome the nonstatutory obviousness-type double patenting rejections over US 6,455,524 and 6,630,466, thus rendering moot these rejections. Applicants point out that the Patent Office, without authorization, inappropriately recorded a second disclaimer in US 6,455,524 over the entire term of the patent. Applicants are in the process of petitioning to have this disclaimer expunged and a correction to this patent be listed in a future errata sheet published with the Official Gazette.

In view of the above amendments and remarks, applicants respectfully submit that this application is now in condition for allowance and earnestly request such action. If any points remain at issue which can best be resolved by way of a telephonic or personal interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,  
/wendy petka/  
Wendy Petka, Reg. No. 53,549  
Attorney for Applicants

Patent Department  
Boehringer Ingelheim Corp.  
900 Ridgebury Road  
P.O. Box 368  
Ridgefield, CT. 06877  
Tel.: (203) 791-6614  
Fax: (203) 798-4408